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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 5th December, 2003:—

BILL No. 76 OF 2003

A Bill to provide for declaration and investigation of assets held by Government servants employed in certain departments and for matters connected therewith.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Government Servants (Declaration of Assets and Investigation) Act, 2003.

Short title,
application
and com-
mencement.

(2) It shall apply to Government servants holding posts or appointments under the Union Government or the Union Territory Administration.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "assets" includes all properties, movable and immovable, held by the Government servants or by their dependants, legally or in benami within the country and/or abroad;

(b) "Authority" means the Government Servants Assets Investigation Authority constituted under section 3;

(c) "dependants" includes spouse, parents, sons and unmarried daughters;

(d) "Government servants" means persons employed in Government departments specified in the Schedule to this Act and holding any post or appointment under the Union Government or the Union territory Administration; and

(e) "prescribed" means prescribed by rules made under this Act.

Constitution
of the
Government
servants
Assets
Investigation
Authority.

3. (1) There shall be constituted an authority to be called the Government Servants Assets Investigation Authority.

(2) The Authority shall consist of such number of members, not exceeding ten, chosen from different fields like finance, social welfare, education, etc., in such manner as may be prescribed.

(3) The Chairperson of the Authority shall be a retired Judge of the Supreme Court or of a High Court and shall be appointed by the President.

(4) The Authority shall look into and investigate such cases of assets disproportionate to the known sources of his income held by a Government servant, on its own or otherwise.

(5) The Government servants found to be having assets disproportionate to the known sources of their income shall be subject to such disciplinary action, as may be prescribed.

Declaration
of assets by
Government
servants.

4. (1) Every Government servant as specified in the Schedule shall, within a period of one month from the coming into force of this Act, declare the particulars of all the assets possessed by him and his dependants to the Authority, in such manner and form, as may be prescribed.

(2) Every Government servant shall, throughout the term of his office, submit annual return of the assets held or acquired by him and any of his dependants within one month of the beginning of the next financial year to the Authority.

Maintenance
of a Register
showing
returns filed by
Government
servants.

5. A copy of the return filed by the Government servant and of the declaration made by him under section 4 shall be maintained by the Authority in a Register to which any member of the general public shall have access.

Provision for
inclusion of
other depart-
ments in the
Schedule.

6. The Central Government may by order add any other department of the Government to the Schedule to this Act.

Power to
make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

(i) the manner in which members of the Authority shall be appointed;

(ii) the form in which declaration of assets shall be furnished;

(iii) the manner in which the declaration shall be scrutinized;

(iv) the procedure to be followed by the Authority for investigating assets of a Government servant;

(v) action to be taken in case declaration of assets furnished is false or investigation of assets leads to the fact that the Government servant has assets disproportionate to the known source of his income; and

(vi) any other matter that is necessary to carry out the provisions of this Act.

THE SCHEDULE

[See sections 2 (d), 3(4), 4(1) & 6]

1. Department of Revenue-Income-tax, Customs and Central Excise.
2. Department of Sale Tax.
3. Municipal Corporation.
4. Departments dealing with Public Utility Services like Water, Electricity, Civil Supplies, etc.
5. Department dealing with Housing.
6. Police.

STATEMENT OF OBJECTS AND REASONS

There has been a large scale corruption in certain departments of the Government dealing with Income-Tax, Customs and Central Excise, Housing, Water, Electricity, Law and Order as is evident from public outcry and reports in newspapers and electronic media. There are allegations that persons working in these departments despite having very meagre salary live in a very lavish style with all modern facilities. So far, there has been no initiative by the Government to look into the life style of these persons and take action against them. It is very common that an ordinary man has to run from pillar to post to get his work done unless he bribes the concerned persons. Everyday, there are reports in the newspapers and electronic media about the deep rooted and wide spread corruption in these Departments. This is also highlighted by articles and letters published in newspapers. It is high time that the Government should take initiative to look into the high level of corruption in these Departments before the situation becomes explosive. The Bill seeks to achieve this purpose by providing a deterrent to the effect that assets of Government employees shall be subject to continuous scrutiny.

NEW DELHI;
July 22, 2003.

SHRIPRAKASH JAISWAL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of an authority to be known as the Government Servants Assets Investigation Authority by the Central Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees five crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

G. C. MALHOTRA,
Secretary General.